

Message Text

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ACTION NEA-10

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E.O. 11652 N/A
TAGS: ASUP, PDIP
SUBJ: DUTY-FREE PRIVILEGES AND TAX LIABILITIES OF FOREIGN SERVICE
NON-DIPLOMATIC PERSONNEL

REF: STATE 183999

1. THE FOLLOWING DIFFERENCES EXIST BETWEEN NON-DIPLOMATIC EMPLOYEES
AND THOSE ON THE DIPLOMATIC LIST:

A) NON-DIPLOMATIC PERSONNEL ARE NOT AUTHORIZED TO IMPORT ARMS
AND AMMUNITION, WHEREAS DIPLOMATS MAY IMPORT TWO FIREARMS
AND 100 ROUNDS AMMUNITION FOR EACH FIREARM.
B) NON-DIPLOMATIC PERSONNEL ARE AUTHORIZED TO IMPORT ONE CAR
AS OPPOSED TO TWO CARS FOR THE DIPLOMAT.

C) NON-DIPLOMATIC PERSONNEL ARE AUTHORIZED TO IMPORT ONLY ONE
EACH OF:

A) RADIO
B) TAPE RECORDER
C) STEREO

IN PRACTICE, DIPLOMATS HAVE NO LIMIT SINCE PACKING LISTS ARE NOT
REQUIRED FOR DIPLOMATS.

UNDER THE LAWS OF HMG ALL USAID CONTRACTORS ARE TREATED THE SAME
AS OTHER FOREIGN TECHNICIANS. BEYOND THE FREE IMPORTATION OF
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THEIR SHARE, ONLY \$2,000 WORTH OF IMPORTED GOODS PER ANNUM IS
PERMITTED. THIS AMOUNT IS USUALLY FOR SUBSISTENCE ITEMS,
HOWEVER, IT COULD AT TIMES BE USED FOR OTHER GOODS. SHOULD
THE CONTRACTOR PURCHASE ITEMS AT THE NATIONAL TRADING COMPANY
OF NEPAL (A NUMBER OF HIGH-PRICED IMPORT ITEMS ARE STOCKED)
THE AMOUNT PURCHASED IS CONSIDERED PART OF THE \$2,000 LIMIT.

D) AIRFREIGHT FOR NON-DIPLOMATIC PERSONNEL IS ALWAYS OPENED BY CUSTOMS AND KEYS AND PACKING LIST ON INCOMING AIRFREIGHT MUST THEREFORE BE AVAILABLE TO THE EMBASSY FOR CUSTOMS INSPECTION AND CLEARANCE. OUTGOING AIRFREIGHT OF NON-DIPLOMATIC PERSONNEL IS ALSO OPENED FOR INSPECTION.

E) ACCORDING TO HMG'S PRIVILEGES AND IMMUNITIES ACT, 1970, NON-DIPLOMATIC USAID AMERICAN PERSONNEL ARE NOT IMMUNE FROM ALL CRIMINAL, CIVIL AND ADMINISTRATIVE JURISDICTION IN RESPECT TO ACTIONS PERFORMED BY THEM BEYOND THE DISCHARGE OF THEIR DUTIES. (ONLY THE DIRECTOR OF USAID HAS DIPLOMATIC STATUS.)

2. IMPORTS SUBSEQUENT TO THE INITIAL ARRIVAL OF AIRFREIGHT AND HOUSEHOLD EFFECTS ARE MADE THROUGH THE AMERICAN MISSION ASSOCIATION (AMA) FOR PERSONNEL WHETHER DIPLOMATS OR NON-DIPLOMATIC, EXCEPT FOR AID CONTRACT EMPLOYEES THERE ARE TWO REASONS FOR THIS; 1) TO PRECLUDE PERSONNEL FROM IMPORTING GOODS WHICH MAY COMPETE WITH STOCK ITEMS SOLD BY THE AMA COMMISSARY AND 2) AND TO COMPLY WITH THE HMG REGULATION THAT ALL IMPORTS FOR AMERICAN NON-DIPLOMATIC PERSONNEL TO BE MADE THROUGH AMA. (THIS IS A VERBAL ARRANGEMENT DATING FROM 1972). EXCEPT FOR FOOD ITEMS, SUCH IMPORTATION ARE FEW AND ARE MADE FOR ITEMS USUALLY PURCHASED FROM HONG KONG WHICH ARE NOT AVAILABLE IN NEPAL OR WHICH ARE TOO BULKY FOR AIR POUCH HANDLING FROM THE U.S. FOR APPROXIMATELY EIGHTEEN MONTHS NOW, MAIL ORDER ITEMS FROM THE U.S. FALLING WITHIN THE ALLOWABLE MEASUREMENT LIMITS HAVE BEEN ARRIVING VIA THE DEPARTMENT'S LIMITED OFFICIAL USE

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FACILITIES. THIS HAS IMPROVED MORALE GREATLY AND HAS MINIMIZED THE NEED TO IMPORT VIA THE AMA ROUTE. SEVERAL DISCUSSIONS HAVE BEEN HELD WITH THE FOREIGN MINISTRY REGARDING THE GRANTING OF IMMUNITIES FROM CIVIL CRIMINAL PROSECUTION FOR USAID DIRECT-HIRE EMPLOYEES. THIS QUESTION IS STILL PENDING.

3. THERE IS SOME MORALE PROBLEM AS NON-DIPLOMATIC PERSONNEL ARE RESENTFUL WHEN THEIR AIRFREIGHT, BOTH INCOMING AND OUTGOING IS OPENED. THESE EMPLOYEES WORK DAILY SIDE BY SIDE WITH OTHERS WHO DO NOT HAVE TO FACE THIS REQUIREMENT AND THEY FIND IT DIFFICULT TO ACCEPT TREATMENT WHICH APPEARS DISCRIMINATORY.

RESTRICTIONS ON THE NUMBER OF VEHICLES WHICH CAN BE IMPORTED BY NON-DIPLOMATIC PERSONNEL IS ALSO A SOURCE OF SOME DISCONTENT. A SECOND CAR WOULD BE PURCHASED BY SOME OF THE MISSION NON-DIPLOMATIC PERSONNEL AS A CONVENIENCE FOR FAMILY MEMBERS, BECAUSE OF THE INADEQUACY OF LOCAL PUBLIC TRANSPORTATION. HECK

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